

Jason A. Lief (JAL-7742)
McDERMOTT WILL & EMERY LLP
340 Madison Avenue
New York, N.Y. 10017

06 CV 1857

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NOVOGEN RESEARCH PTY. LTD.

Plaintiff,

vs.

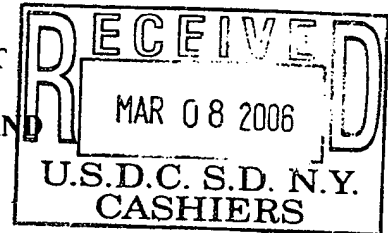
CHATTEM, INC.

Defendant.
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Civil Action No. _____

COMPLAINT

JURY DEMAND



Plaintiff Novogen Research Pty. Ltd ("Novogen") for its Complaint against
defendant Chattem, Inc. ("Chattem") avers and alleges as follows:

JURISDICTION AND PARTIES

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 et. seq.
2. Jurisdiction and venue are proper in this Judicial District pursuant to 28 U.S.C. §§ 1331, 1338(a), 1391, 1400(b) and N.Y. Civ.Prac.L.R. 302(a).
3. Plaintiff Novogen is an Australian corporation having its principal place of business in New South Wales, Australia.
4. Defendant Chattem, Inc. is a Tennessee corporation doing business and residing in (pursuant to 28 U.S.C. § 1391 (c)) and committing acts of patent infringement in this Judicial District. Upon information and belief, Defendant transacts business generally in this Judicial District.

**FIRST CAUSE OF ACTION
FOR INFRINGEMENT OF
UNITED STATES PATENT NO. 6,562,380**

5. On May 13, 2003, United States Letters Patent No. 6,562,380 ("the '380 patent") entitled "Methods for Treating or Reducing Pre-Disposition to Breast Cancer, Pre-Menstrual Syndrome or Symptoms Associated with Menopause By Administration of Phyto-Estrogen", was duly and legally issued to Graham Edmund Kelly. A true and correct copy of the '380 patent is attached to this Complaint as Exhibit A.

6. Plaintiff Novogen Research Pty. Ltd. is the owner and assignee of the '380 patent with full right to enforce the '380 patent.

7. Upon information and belief, defendant Chattem, Inc. has been on notice of the existence of the patent at least since on or around June 6th, 2003 when correspondence was directed to Alexander Taylor II, President & CEO.

8. Defendant Chattem, Inc. has committed and continues to commit acts of infringement of said '380 patent in this Judicial District and elsewhere by selling products containing certain phytoestrogens from clover or equivalent sources that are used for the patented method and by inducing and contributing to the use of the patented method without authority or license from plaintiff.

9. Upon information and belief, such acts of infringement by defendant have been willful.

10. Plaintiff has suffered and will continue to suffer damages and irreparable injury as a result of defendant Chattem, Inc.'s infringement unless enjoined by this Court.

**SECOND CAUSE OF ACTION
FOR INFRINGEMENT OF
UNITED STATES PATENT NO. 6,987,098**

11. On January 17th, 2006 United States Letters Patent No. 6,987,098 (“the ‘098 patent”) entitled “Health Supplement”, was duly and legally issued to Graham Edmund Kelly. A true and correct copy of the ‘098 patent is attached to this Complaint as Exhibit B.

12. Plaintiff Novogen Research Pty. Ltd. is the owner and assignee of the ‘098 patent with full right to enforce the ‘098 patent.

13. Defendant Chattem, Inc. has committed and continues to commit acts of infringement of said ‘098 patent in this Judicial District and elsewhere by selling products containing certain phytoestrogens that are used for the patented method and by inducing and contributing to the use of the patented method without authority or license from plaintiff.

14. Plaintiff has suffered and will continue to suffer damages and irreparable injury as a result of defendant Chattem, Inc.’s infringement unless enjoined by this Court.

REQUEST FOR RELIEF

Wherefore, plaintiff prays for judgment:

15. That defendant Chattem, Inc. has infringed United States Patent No. 6,562,380.
16. That defendant Chattem, Inc. has infringed United States Patent No. 6,987,098.
17. Ordering that defendant, its officers, subsidiaries, agents, servants, employees, and attorneys and all persons in active concert or participation with any of them, be

permanently enjoined and restrained from any further infringement of United States Patent Nos. 6,562,380 and 6,987,098.

18. Awarding plaintiff Novogen its damages caused by defendant Chattem, Inc. and that such damages be trebled.

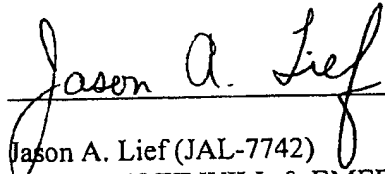
19. Awarding plaintiff interest, costs and disbursements in this action, including reasonable attorney's fees pursuant to 35 U.S.C. § 285; and

20. Awarding plaintiff such further relief as the Court may deem just and proper.

JURY DEMAND

21. Plaintiff requests a jury for all issues triable by a jury.

Dated: March 8, 2006



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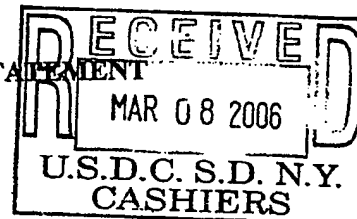
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RULE 7.1 STATEMENT

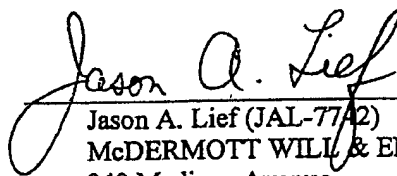


Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Novogen Research Pty. Ltd. (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

Novogen Limited (ADR trades as NVGN)

Marshall Edwards, Inc. (variously trades as MSH or MSHL or MSHLW)

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